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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,452	11/08/2001	Ychuda Hershkovits	P-3864-US	5080
27130 7590 09/25/2007 EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			EXAMINER JAMAL, ALEXANDER	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 09/25/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/986,452

Applicant(s)

HERSHKOVITS ET AL.

Examiner

Alexander Jamal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29,31-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 102**

2.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed

in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 35 I(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United

States and was published under Article 21(2) of such treaty in the English language.

3. Claims 29 through 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Wachel (US Patent 6,795,933).

Regarding Claim 29, Wachel discloses a method using a fail-over mechanism for network cards (i.e., transferring telecommunications transmissions) comprising: using a PCI bus connector (Fig. 2; column 2, lines 22-23) to establish a connection between a transition card (Fig. 1, reference 106; column 2, lines 12-16) that corresponds to the rear I/O card claimed and a backup main

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card (Fig. 4, reference 350; column 3, lines 7-13) that corresponds to the second front card claimed upon receiving an OE Signal (column 3, line 66 through column 4, line 4) that corresponds to failure indication claimed. Wachel further discloses the transition card (i.e., rear ) I/O card connected to a primary main card (i.e., first front card) through connector pins (column 2, lines 45-48) when the OE signal is in its other state (i.e., no failure indication is received).

Regarding Claim 30, Wachel discloses a method using a fail-over mechanism for network cards (i.e., transferring telecommunications transmissions) comprising: using a PCI bus midplane (i.e., backplane traces associated with a PCI bus) (Fig. 2; column 2, lines 22-23) to establish a connection between a transition card (Fig. 1, reference 106; column 2, lines 12-16) that corresponds to the rear I/O card claimed and a backup main card (Fig. 4, reference 350; column 3, lines 7-13) upon receiving an OE signal (column 3, line 66 through column 4, line 4) that corresponds to failure indication claimed. Wachel further discloses the transition card (i.e., rear I/O card) connected to a primary main card (i.e., first front card) through connector pins (i.e., via a through connection) (column 2, lines 45-48) when the OE signal is in its other state (i.e., no failure indication is received).

Regarding Claim 31, Wachel discloses a method using a fail-over mechanism for network cards (i.e., transferring telecommunications transmissions) comprising: using a PCI bus midplane (i.e., allocating a portion of a PCI bus) (Fig. 2; column 2, lines 22-23) to establish a connection (i.e., for communication) between a transition card (Fig. 1, reference 106; column 2, lines 12-16) that corresponds to the rear I/O card claimed and a backup main card (Fig. 4, reference 350; column 3, lines 7-13) upon receiving an OE signal (column 3, line 66 through column 4, line 4) that corresponds to failure indication claimed. Wachel further discloses the transition card (i.e., rear I/O card) connected to a primary main card (i.e., first front card) through connector pins (i.e., via a through connection) (column 2, lines 45-48) when the OE signal is in its other state (i.e., no failure indication is received).

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Regarding Claim 32, Wachel discloses a device using a fail-over mechanism for network cards (i.e., transferring telecommunications transmissions) with a transition card (Fig. 1, reference 106; column 2, lines 12-16) that corresponds to the rear card claimed comprising: a flip-flop (Fig. 5; column 3, line 60 through column 4, line 4) that corresponds to the isolation relay claimed adapted to establish a connection (i.e., route incoming signals) between a transition card (Fig. 1, reference 106, column 2, lines 12-16) that corresponds to the rear card claimed and a backup main card (Fig. 4, reference 350; column 3, lines 7-13) using a PCI bus midplane (i.e., through a portion of a PCI bus) (Fig. 2; column 2, lines 22-23) to upon receiving an OE signal (column 3, line 66 through column 4, line 4) that corresponds to failure indication claimed. Wachel further discloses the transition card (i.e., rear I/O card) connected to a primary main card (i.e., first front card) through connector pins (i.e., via a through connection) (column 2, lines 45-48) when the OE signal is in its other state (i.e., no failure indication is received).

8.

Regarding Claim 33, Wachel discloses a device using a fail-over mechanism for network cards (i.e., transferring telecommunications transmissions) comprising: a flip-flop (Fig. 5; column 3, line 60 through column 4, line 4) that corresponds to the control circuit claimed which, upon receiving an OFFLINE signal that corresponds to the indication signal claimed and is associated with a primary main card that corresponds to the first front card claimed currently connected through connector pins (i.e., via a through connection) (column 2, lines 45-48) when the OFFLINE signal is in its inactive state (i.e., no failure indication is received) (column 3, line 66 through column 4, line 4) is adapted to establish a connection (i.e., redirect communications) from a transition card (Fig. 1, reference 106; column 2, lines 12-16) that corresponds to the rear card claimed to a backup main card that corresponds to the second front card claimed (Fig. 4, reference 350; column 3, lines 7-13) using a PCI bus midplane (i.e., through a portion of a PCI bus) (Fig. 2, column 2, lines 22-23).

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Regarding Claim 34, Wachel further discloses using the PCI bus to communicate between the network cards (i.e., the indication is received over a portion of the PCI bus) (column 4, lines 32-35).

As per **claim 35**, it is rejected as per the claim 29-34 rejections.

### **Response to Arguments**

10. Applicant's arguments with respect to claims 29 through 35 have been considered but are not persuasive.

As per applicant's arguments that Wachel does not disclose using a backup card in place of a primary card, examiner notes the above rejections that specify the primary and backup cards.

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

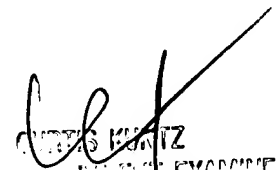
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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

Examiner Alexander Jamal  
September 10, 2007

  
CURTIS KUNTZ  
PATENT EXAMINER  
CENTER 2600